



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,136	02/26/2002	Kazuo Hiraguchi	Q66505	5389

7590 06/30/2005

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

HAUGLAND, SCOTT J

ART UNIT	PAPER NUMBER
----------	--------------

3654

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/082,136	Applicant(s) HIRAGUCHI ET AL.	
	Examiner Scott Haugland	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-31 is/are pending in the application.
- 4a) Of the above claim(s) 3-7 and 10-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 26-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

[Handwritten signature]

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/31/05 has been entered.

Election/Restrictions

Claims 3-7 and 10-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, and 26-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 1, line 21 appears inaccurate since the tongue portion is not an end of the presser spring, but is a portion intermediate the ends.

It is not clearly set forth in claim 28 that the "one end" recited on line 3 is the proximal end recited in claim 1.

Claim 29 is unclear and appears to be inaccurate. It is not clear if this claim is requiring anchor hole 158a (Fig. 11) in the presser spring anchor portion to be in the inner surface of the upper half or to be capable of receiving a convex portion on the inner surface of the upper half. Neither description accurately describes the disclosed structure. The anchor hole 158a is disclosed as being in the overhanging portion of the presser spring anchor portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoettle (U.S. Patent No. 4,629,144) in view of Gelardi et al (U.S. Patent No. 4,986,491).

Schoettle discloses a recording media cartridge 20 comprising a case body having an upper half and a lower half, reels 11, 12, a reel presser spring 1, and a

presser spring anchor portion (gap 8 in Fig. 2 and corresponding gap in Fig. 3) on the upper half. The presser spring anchor portion has a portion (a portion of window 5) implanted in the inner surface of the upper half and an overhanging portion (the portion of window 5 that overhangs the upper half of the case and lies next to gap 8). The reel presser spring has U-shaped insertion anchor portions 2a, 2b that have support piece portions and open piece portions parallel to the respective support piece portions.

The support piece portions are supported by the inner surface of the upper half facing the overhanging portion of the presser spring anchor portion as recited in claim 1 since the U-shaped insertion anchor portions 2a, 2b are supported at least in part by the inner surface of the upper half of the cartridge.

The open piece portion is in elastic contact with the overhanging portion of the presser spring anchor portion as recited in claim 1 since the spring and the overhanging portion (of 5) are inherently elastic. In addition, the description at col. 3, lines 54-60 of Schoettle implies that the presser spring insertion anchor portions are biased against the overhanging portion since the spring remains attached to it during handling before assembly with case half 4.

Schoettle does not disclose that the presser spring can be detached from the cartridge without damaging the case body, presser spring, and components of the cartridge. Schoettle does not disclose guides or convex portions located on both sides of the presser spring anchor portion on the inner surface of the upper half (note claim 27).

Gelardi et al teaches making a presser spring of a recording media cartridge detachably mounted on an upper half of the cartridge so that it can be collected for reuse (recycling) without damaging other components (see column 6, lines 30-34). Gelardi et al teaches providing convex portions 30, 32, 34, 36 (Figs. 1 and 2), 21, 23, 25, 27 (Fig. 6), 40, 41, 42, 43 (Fig. 7), 68, 69 (Figs. 10-12) on the inner surface of the cartridge case to hold portions of the presser spring in place in the cartridge.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the spring of Schoettle removable without damaging the spring, case, or cartridge components as taught by Gelardi et al.

With regard to claim 27, it would have been obvious to provide the cartridge of Schoettle with convex portions or guides on both sides of presser spring anchor portion as taught by Gelardi et al to assist in securing the spring in the cartridge.

With regard to claim 28, note that the presser spring 1 of Schoettle has a convex portion 2a at one end and a convex portion at the free end of spring blade 15.

With regard to claims 30 and 31, note that the end of the upper horizontal portion of 2a of the spring 1 of Schoettle is convex (e.g., as seen in Fig. 2). This ends fits into a hole (between horizontal and vertical surfaces of 5) in the overhanging portion of 5.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoettle in view of Gelardi et al as applied to claim 9 above, and further in view of Oishi et al (U.S. Patent No. 4,408,733).

Schoettle does not disclose a bent tip portion located on one end of the reel presser spring.

Ooishi et al teaches providing a reel presser spring 32 with a bent tip portion located on one end of the reel presser spring.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the reel presser spring of Schoettle with a bent tip portion located on one end of the reel presser spring as taught by Ooishi et al to provide a more downwardly directed biasing force on the tape reels.

Response to Arguments

Applicants' arguments filed 5/31/05 have been fully considered but they are not persuasive.

Applicants argue that the combination of Schoettle and Gelardi does not teach the structure described in the first paragraph of page 14 of Applicants' remarks. However, as noted above, the presser spring of Schoettle has U-shaped insertion anchor portions 2a, 2b having support piece portions and open piece portions parallel to respective support piece portions. The inner surface of the upper half of the cartridge supports the support piece portions as well as other portions of the spring either by direct contact with the portions or indirectly by supporting another connected portion of the spring. As also noted above, the open piece portion is in elastic contact with the overhanging portion of the presser spring anchor portion since the spring and the overhanging portion (of 5) are inherently elastic. In addition, col. 3, lines 54-60 of

Schoettle implies that the presser spring insertion anchor portions are biased against the overhanging portion since the spring remains attached to it during handling before assembly with case half 4.

Applicants argue that the hook shaped end 2a' of the presser spring of Schoettle is not inserted into a space defined by an overhanging portion of a presser spring anchor portion. However, hooked shaped ends 2a', 2a, 2b are inserted between an overhanging portion of a presser spring anchor portion (window 5) and the upper half 4 of a cartridge as shown in Figs. 2 and 3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sjh
sjh
6/21/05

Kathy Matecki
KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600